



DORF NELSON & ZAUDERER LLP

The International Corporate Center, 555 Theodore Fremd Avenue, Rye, NY 10580

Telephone: 914.381.7600 · www.dorflaw.com · Facsimile: 914.381.7608

November 22, 2023

VIA ECF

Hon. Jennifer H. Rearden
 United States District Judge
 Southern District of New York
 500 Pearl Street
 New York, NY 10007

**RE: DiBartolo v. The Segal Group, Inc. et al.
 SDNY Case No. 1:23-cv-06095 (JHR)**

Dear Judge Rearden:

My firm represents Plaintiff Ricardo DiBartolo in the above captioned case. I write pursuant to Rule 5(f) of Your Honor's Individual Rules and Practices in Civil Cases to oppose Defendants' request for oral argument of Defendants' Motion to Dismiss pursuant to FRCP 12(b)(6).

In contrast to Defendants' statements in their letter to the Court, this motion does not "deal[] with complex and unique matters of law" and oral argument will not provide the Court with answers that "might not otherwise be answered simply from a review of the parties' motion papers." (ECF No. 14). This is a straightforward motion to dismiss, to be decided solely on the allegations contained within the four corners of the Complaint. As much as Defendants would like the Court to consider extrinsic information – whether through documents they improperly attached to their motion papers or via their counsel's statements during oral argument – such consideration is not permitted under applicable Second Circuit precedent. *See U.S. ex rel. Foreman v. AECOM*, 19 F.4th 85, 106 (2d Cir. 2021).

Thank you for the Court's time and consideration.

Respectfully submitted,

Christine L. Hogan

cc: Counsel of Record (via ECF)